App F IX-4

Previous References

193

File No 39-25

Serial Nos 31/85

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for

SUBJECT

Acquisition of lands in Agamogoin the village for the Extension of the Compound of the Local Fund Dispensary at the place

WD 0418—GPB—22,500—29 8 36

General & Revenue Secretariat — File No 39 of 1935 — [App F III–2

Serial No	
31	Letter no Lit 2.1/36-37 dy 3-7-36 from the Dte, Sanitation soliciting sanction
(1)	for the urgent acquisition of certain properties in the Nyamagondlu mpty, taken by the mpty in 1924 for the extension of the compound of the Local Hospital and (2) for meeting the cost thereof (viz Rs 134) from the funds of the Nayamagondlu mpty, the Dt Bd and the Government in equal shares.

As the land has been purchased by the mpty, there appears to be no need for formal acquisition at this distance of time. It is important if the mpty gets a sale deed executed in respect of the properties purchased.

It seems that the concerned authorities should have been consulted by the mpty before taking action in the matter. The first share of the cost amounts to Rs about Rs 45. The Director of Health may perhaps be consulted as to whether the amount can be met out of the Town Displ Fund.

NOTE—Contn Sheet

346 p 36

120

2nd File No 39 of 193 5 | General and Revenue Secretariat

for the current year

Head for orders.

MS 12/7 3 The question is more than 12 years old. The municipality has not taken any action during this period Now they are pressing for its settlement

The purchase of the land by the Mulky is not evidenced by any sale deed In its absence, the Mulky would not perhaps get an indefeasible title, which it would acquire by having recourse to acquisition proceedings. The Law Section may perhaps be requested to state whether acquisition proceedings as recommended by the D.C are necessary

fora
13/7/36
Asst Secy
Law Section
with Comps

88
14/7/36

I think in this case it is only possession that was taken on 9-5-1924 and this might be under an agreement to purchase - But Was the purchase money

346

Serial No

A

Have paid then or thereafter ? If not I think acqn proceedings have now to be taken so that due compensation may be paid to the owners and a good title acquired by the Govt.

Asst Secy Edn with comps

Informant as at A. Price be called for & the Doc the amt has been paid

15/7/36

Dev. Secy)

16-7-36

16/7/36

15/7/36

7) Dy Chief engineer - appl

19/7

8) 20/7/36

TYPING SECTION 20 JUL 1936 GENL & REV SECTT.

To Mr. Dy. Commr Bangalore

636 dt 22-7-36

Call for further particulars.

28/7

Letter No LAR 1/36-37 dt 21-8-36 from the Dep Comr, Bangalore Dist forwarding Dep Comr, Bangalore Dist reporting that a regular sale deed has not been executed and that the purchase money of Rs 180 has been paid by the applt to the owners

NOTE—Contn Sheet

Acquisition in Myanaguddu mfg —

926 1381/936

P

File No 39 of 1935 — General and Revenue Secretariat

As the purchase money has already been paid by the mfg, there seems to be no necessity for formal acquisition the Dep. can may, if appd, be informed accordingly — vide legal opinion in para 3 of the note supra. vide flag R

10 Rev with reference para 6 of the note supra.

29/8

For favour of opinion
28
31/8/36

Asst Secy, Law Deptt
with Compts

It is now clear that the Municipality has been in adverse possession of the lands for over twelve years & has therefore acquired a title by prescription There is no use now in taking acquisition proceedings — The procedure of taking possession & paying the price without even a regular sale deed or without having recourse to L.A. proceedings was of course irregular, but since such possession has continued for over 12 years, there is now no need to set right this irregularity —

Asst Secy Law
with Compts

31/8

GENERAL AND REVENUE SECRETARIAT

( )

NOTES

File No.

FILE HEADING

FROM

No. Dated Received

Diary No	Enclos	Spare copies	Serial No

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS

The law of common overlap title, if approved, be Communicated to the D.C

31/8/36

Dev: Secy)

31/8/36

31/8/36

1936

Notes—First Sheet

WD 02552—GPB—5 000—10 7-30

4/9/36

To me Asst. Com, Bagalkot

2080 Dy 16-9-36

State that- matter is now sub in Tatkal

Augustin priority

File No of 193

General and Revenue Secretariat

In all future communications please quote
No L.A.R.1/36-37.
Enc one file.

Tel Address —"DEPCOM"
Post Box No 34

OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE DISTRICT

Dated, Bangalore, the 3rd July *1936*

120

REV SECT

7 JULY 1936

L & A Dept.

ml 39-35-31

FROM

H.V. Ramaswami, Esq., M.A.,B.L.,
Deputy Commissioner,
Bangalore District

To

M. Venkatanarappa, Esq., B.A.,
Secretary,
to the Government of Mysore
Development Department, Bangalore

SIR,

Subject —

I have the honour to state that, in the year 1924, the Tyamagondlu Municipality purchased a plot of land and 2 houses in Tyamagondlu village for the extension of the compound of the local Hospital at the place. The amount spent therefor was Rs.180/- and it is learnt that by sale of materials obtained by dismantling the houses, a sum of Rs.46/- was realised which was credited to the Municipal funds. The balance of Rs.134/- has to be met in equal proportions by the Municipality, the District Board and Government. The President, Tyamagondlu Municipality made references to the Executive Engineer, Bangalore Division and to the President, District Board, Bangalore that they had each to bear their quota of one third of the cost of purchase of the land etc., and both the offices required the order of Government authorising the same. Thereupon, the President, Tyamagondlu Municipal Council made a reference regarding the same to the Comptroller who instructed him to obtain sanction of Government to the acquisition of the land and to meet the outlay already incurred by the Tyamagondlu Municipality, the District Board and the Government in equal shares. Thereupon, the draft preliminary and final notifications have been prepared by the Amildar Nelamangala Taluk and submitted

Under the circumstances I request that the notifications now forwarded herewith may kindly be caused to be published in the Gazette and sanction of Government obtained.

[illegible] the land in question and to meet the [illegible] charges from the [illegible] Municipality, the [illegible] of the Contract [illegible] from Government in equal shares.

I [illegible] a [illegible] Contract [illegible] with the Dodballapur [illegible] Council [illegible] is enclosed [illegible] reference [illegible].

I have the honour to be,
Sir,
Your most obedient servant,

[illegible]
Deputy Commissioner,
Bangalore District.

Appendix F G—1]

SUBJECT

Section ml

File No 39-35

Serial No

No L696 Encl Records

To

Diary No of letter replied to

Sir;

With reference your letter no L.R. 1/36-37 dt 3-7-36 soliciting sanction for the urgent acquisition of certain properties in the Nyamagana mpts, of which possession was taken by the mpts in May 1924 for the extension of the compound wall of the local Hospital, I am directed to enquire whether the purchase money was paid by the mpts then or thereafter and whether a regular sale deed has been executed

The records accompany for perusal & return

J Maneck
20/7/36
for Secy to Govt

General and Revenue Secretariat

( )

the 193

Date of issue 22-7-36

Signed by M B M

subject to approval

List of enclosures

Copied by

Examined by

WD 03601—GPB—30,000—23 9-35

WZ

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 696 Ed Record — Dated, Bangalore, ~~21st~~ 22nd July 1936.

From Ml 39-35

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department*

To

The Deputy Commissioner,

Bangalore District, Bangalore.

Sir,

With reference to your letter No.L.A.R. 1/36-37 dated 3rd July 1936 soliciting sanction for the urgent acquisition of certain properties in the Thyamagondlu Municipality, of which possession was taken by the Municipality in May 1924 for the extention of the compound wall of the local Hospital, I am directed to enquire whether the purchase money was paid by the Municipality then or thereafter and whether a regular sale-deed has been executed.

The records accompany for reference and resubmission.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,

Development Department.

T99.

926

In all future communications please quote
No L.A.R.1/36-37.
Enc One file.

Tel Address —"DEPCOM
Post Box No 34

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT

Dated, Bangalore, the 21st August *1936*

FROM

H. V. RAMASVAMI, ESQ., M.A.,B.L.,
Deputy Commissioner,
Bangalore District

OFFICE OF THE REVENUE SECTION
12 AUG
BANGALORE

To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary,
to the Government of Mysore
Development Department,
Bangalore.

SIR,

Subject —

With reference to correspondence ending with your letter No.L. 696/Ml.39-35 dated 22-7-1936, enquiring whether the purchase money of the lands taken possession of by the Thyamagondlu Municipality was paid at the time the lands were taken possession of or later, and whether a sale deed has been executed &c., I have the honour to state that the President, Thyamagondlu Municipality, reports that a regular sale-deed has not been executed, and that the mutchalikas executed by Thimmakka and Ramiah, owners of Khaneshmari Nos.1037 and 1038, Thyamagondlu village, to the effect that they were agreeable to accept the sums of Rs.80/- and Rs.100/- respectively, and their stamped receipts for the respective sums, are all the obtainable records to prove the transference of property from them to the possession of the Thyamagondlu Municipality. The mutchalikas and the receipts mentioned above are enclosed in the file for reference.

The file of records ending with the Dodballapur Sub Division Officer's Memo No.L.A.R.14/35-36 dated 17-8-1936 is enclosed herein for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

FOR DEPUTY COMMISSIONER,
BANGALORE DISTRICT.
(ABSENT FROM HEADQUARTERS)

SVS.21-8-36.

Appendix F G—1]

SUBJECT

Section ml

File No 37-35

Serial No 35

Diary No of letter replied to

No L 2090/Lands

To The Dep. Com, Bogalagast

sir,

General and Revenue Secretariat

( )

the *193*

Date of issue 16/9/38

Signed by M 1877

with reference your letter no LA 1/36-37 dt 3-7-36 soliciting sanction to the acquisition of certain properties in the Nugamagodella village, taken by the mpg in 1924 for the extension of the compound of the local Hospital and (2) to meet the cost thereof from the funds of the Nugamagodella mpg, the D.C.Bol and the Government in equal shares, (P.W.D)

I am directed to state that the mpg has been in adverse possession of the land in question for over twelve years and has therefore acquired a title by prescription, and

List of enclosures relevant papers

Copied by

Examined by

WD 03601—GPB—30,000—23 9-35

that there is no use now in taking
repurchase proceedings. ~~I am to dismiss~~ the
procedure of taking possession and paying the
price without even a regular sale deed
or without having recourse to L.A. proceedings
was, of course, irregular, but since
such possession has continued for over 12 years,
there is now no need to set right this
irregularity

The records are returned

Thanks

4/9/36

L 2091 - 2nd freight fort
6/9/36 ms

Dy to (1) & Chief Engr (2) Comptroller

D.O

4/9/36

2nd freight fort

ms Despatch

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 2090/35 Revs Dated, Bangalore, 16/9 193

From L 39-35=85

M. Venkatanarayanappa, Esquire, B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department

To

H.V. Ramaswami, Esquire, M.A., B.L.,
Deputy Commissioner, Bangalore District.

Sir,

With reference to your letter No. L.A.R. 1/36-37 dated the 3rd July 1936 soliciting sanction (1) to the acquisition of certain properties in the Thyamagondlu Village, taken by the Municipality in the year 1924 for the extension of the compound of the local Hospital and (2) to meeting the cost thereof from the funds of the Thyamagondlu Municipality, the District Board and the Government (P W D) in equal shares, I am directed to state that the records show that the Municipality has been in adverse possession of the land in question for over twelve years and has therefore acquired a title by prescription, and that there is no use now in taking acquisition proceedings. The procedure of taking possession and paying the price without even a regular sale deed or without having recourse to land acquisition proceedings was, of course, irregular, but since such possession has continued for over 12 years, there is now no need to set right this irregularity.

The records are returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department

P.H.